

8TH JUDICIAL DISTRICT COURT
 UNION COUNTY NM
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 BERNABE P. STRUCK
 DISTRICT COURT CLERK
 Rhonda Aragon

eighth JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF UNION

Nick James Gonzales
 Plaintiff,

v.

Center on health care providers
of Northeastern N.M. Detention facility
 Defendant(s),

CIVIL NO # D-818-CV-2017-00088

EMILIO J. CHAVEZ

District Judge, Division I

COMPLAINT
 (TORT)

M. Pagan Physician's Assistant.
MR. Jarama Medical Sub. Adm. Str.
ME. M. S. of Inmate manager
Attorney General

NATURE OF THE ACTION

1. This is a tort suit authorized by the New Mexico Tort Claims Act, Chapter 41 N.M.S.A.,
 by a corrections department prisoner who seeks damages for the following:

(a) Medical malpractice, negligence, negligent
supervision, willful disregard to patient's rights
and consequences. Mental anguish violation of
statutes/ and a constitution.

(Denial of Medical)

II. JURISDICTION

2. eighth Judicial District Court has jurisdiction in Tort actions pursuant to the New
 Mexico Tort Claims Act N.M.S.A. Chapter 41. a Notice of Claim was previously filed
 with the Risk Management Division pursuant to 41-4-16, N.M.S.A. (1978).

III. PARTIES

3. The plaintiff is Nick Gonzales, a prisoner at the P.M.; formerly
at Northeastern N.M. Detention facility

(1)

EXHIBIT

A

tabbles

- 1) Defendant(s) are Geo Group inc Medical-and-grievance employees
- 2) M. pagan Physician's Assistant
- 3) MR. Jaramun Medical Service Administration.
- 4) And grievance Lieutenant J. Beatty

- 1) Plaintiff Sues each defendant in their full and in their individual
- 2) Capacities, and under the doctrine of respondeat superior where applicable.

- 1 Claims against defendant(s) are Medical malpractice willful neglect
 - 2 willful indifference to serious risks and consequences, negligent
 - 3 supervision and mental anguish. Violation of Statute(s)/ Constitution
 - 4 denial of medical
- * (Introduction and background information)

- 1 upon arriving at Northeastern facility Plaintiff began having
- 2 medical issues with his diagnosed Hepatitis C disease, suffering
- 3 symptoms associated with the disease weakness) vomiting)
- 4 Juandice symptoms which effected my everyday enjoyment and
- 5 cause Plaintiff mental anguish.
- 6) Soon there after - Plaintiff sought out medical care and attention for
- 7) his treatable disease and symptoms.

- 1) * facts and substantiating facts * Denied medical-
- 2) Plaintiff was referred to be examined by Physician's Assistant

3 M. Pagan who did nothing to treat or care for Plaintiff's disease
4 nor symptoms.

5 leaving Plaintiff to suffer symptoms and devastating effects of the disease
6 effectively denying Plaintiff his right to seek and receive medical
7 care and attention for his serious and deadly Hip & disease see
8 *Estelle v. Gamble* - 429 U.S. at 104.

9 M. Pagan's failure to act resulted in Plaintiff's suffering and denied
10 Plaintiff his right to obtain medical care and damaged my interests
11 in bodily integrity. M. Pagan's failure to treat and care for Plaintiff
12 intentionally inflicted mental and emotional outrage and anguish
13 There is a ~~close~~ causal connection between defendant(s) conduct
14 and claimant's distress.

15 M. Pagan owed a duty of care to Plaintiff as assigned medical provider
16 she possessed the knowledge and skill to treat and care for Plaintiff's medical
17 issues but failed to exhibit A Health Care Service Request and response.

1 After M. Pagan's failure to act and conduct her assigned duties
2 Plaintiff sought intervention and relief by filing a prior complaint
3 and made known my issues to ~~Dr. Pagan~~ Mr. Jarama - P. Pagan's
4 boss and facilities Medical Service Administration

5 Mr. Jarama failed to act thus 'rubber stamping' P. Pagan's denial.

4 MR Jaramun was in a position to care and prevent deficiencies
 7 occurring by those under his supervision, MR Jaramun acted negligently
 8 and negligently supervised.

9 in an 'official' grievance complaint medical staff outright lied to
 10 grievance officer, in falsely alleging that Plaintiff was being treated
 11 at Chronic Clinic check ups.

12 See exhibits, other documentation shows medical staff outright denying
 13 Plaintiff care and treatment for one illegitimate reason or the other.
 14 Defendant MR Jaramun owed a duty of care to Plaintiff and was a
 15 cause to Plaintiff's suffering.

1.) Grievance officer J. Beatty acted negligent in investigating the
 2 matter, his failure to adequately investigate resulted in Plaintiff
 3 being denied medical attention and contributed to Plaintiff's suffering.
 4 Grievance officer had a duty to Plaintiff in his position as grievance
 5 hearing officer who had the power to correct and care medicals
 6 failures to act.

7 Had Grievance officer not been negligent in handling the grievance
 8 Plaintiff would have been allowed care and treatment for his
 9 symptoms and disease.

Nothing what so ever was done to treat and care for Plaintiff
 11 at any time - mmh exhausted administrative resources —

NEW MEXICO CORRECTIONS DEPARTMENT

APR 25 2017

HEALTH SERVICE REQUEST FORM

NAME

Rich Gonzalez

DATE OF REQUEST

4-25-2017

NMCD#

48218

DOB

2-23-79

SITE

UNIT

3B 211

NATURE OF PROBLEM OR REQUEST (BE SPECIFIC)

i want to receive Hep C Treatment, under the equal protection clause, equal and unusual, and due process clause. patient is weak - feeling ill - and like any sick person has a

I consent to be treated by Health Care Staff for the condition described.

right to seek and obtainMedical Attention. 4-25-2017

Inmate Signature and Date

DO NOT WRITE BELOW THIS AREA

HEALTH CARE DOCUMENTATION

Received
Triaged

Date

Time

Initial

C. Brawley, LPN

APR 26 2017

SUBJECTIVE:

ALLERGIES

OBJECTIVE:

ASSESSMENT:

VITAL SIGNS

PLAN:

Find to Paguira

EDUCATION:

You are non-compliant with your clinic appointments, lab appointments and behaviors. Also, your lab work, when you allow it, does not meet the criteria for treatment at this time

NURSING PROTOCOL NUMBER

Dr. [Signature]

REFER TO:

Nurse's Signature

Date

Time

PROVIDER

MENTAL HEALTH

NURSING CLINIC

DENTAL

ADMINISTRATOR

Patient Name

NMCD#

DOB

Facility

NEW MEXICO CORRECTIONS DEPARTMENT
INMATE GRIEVANCE

Inmate's Name: Alrick Gonzalez NMCD#: 48218 Grievance File #: _____
 Institution: HEARD Housing Unit: 3B211 Date of Incident: 4-29-2017
 Date Received by Grievance Officer: _____
 Grievance Officer's Signature: exhibit

INSTRUCTIONS: It is expected that problems be resolved in an informal manner. Please read policies and procedures before filing a grievance. Your grievance must be filed within 30 days of the incident. It must be filed with the Grievance Officer to be valid. Copies sent elsewhere will be considered informal and will not require a response.

STEP 1 - Grievance: Include documentation and names of any witnesses to support your claim. For your grievance to be accepted, you must state the relief requested. Use additional pages, if necessary.

See following (enclosed exhibit A.
Medical Request returned denied—)

Inmate's Signature: Hg Date: 5-5-2017

Relief Requested:

See following contained therein —

STEP 2 – To Be Completed by the Grievance Officer:

- A. ☐ Your grievance is accepted for consideration.
 B. ☐ Your grievance is being returned to you because of the following reason:
 ☐ 1. The grievance is not readable.
 ☐ 2. The matter has been answered in previous grievance #: _____
 ☐ 3. The grievance concerns material not grievous under present policy.
 ☐ 4. The grievance is a group grievance or petition. (Submit individually.)
 ☐ 5. The grievance is not timely.
 ☐ 6. Other Specify: _____

Grievance Officer's Signature: _____ Date: _____

i Am being denied Medical Attention
for my serious and deadly Hep.titus d.sease.
Nothing what-so-ever to treat the symptoms nor
the d.sease.

i Am constantly sick weak and Ach.
i suffer Juandice, and Am being denied equal
protection and of the law, due process, and
forced to suffer cruel and unusually

~~*~~ Rick Gonzalez #48218

Relief Requested. 1 million dollars - medicals practices changed
and fixed. Allowed treatment for illness and
symptoms, intended to treat and cure and
medical informed all have the right to seek and
obtain medical treatment.



Response to Inmate Formal Grievance

Inmate Name	Gonzales, Nick
NMCD #	48218
Date of Formal Grievance	5-5-2017
Date of Incident	4-29-17
Date Received	5-15-17
Date Answered	5-22-17
Nature of Grievance	Patient is requesting HCV treatment
Requested Relief	One million dollars and medical practice change
Response/Resolution	<p>Attached is the current guidelines and an email showing current priority of patients being given Hepatitis</p> <p>Under the State of New Mexico's guidance, you currently fall into priority 4 Stage 0-1 fibrosis and all other cases of Hepatitis C. You fall into this category because your APRI is 0.361</p> <p>Your other disqualifiers are: Disciplinary and Compliance with appointments/medication.</p> <p>You are not being denied medical attention as you are followed by medical in Chronic Clinic and you are able to access medical care through a health service request.</p> <p>You are not being denied equal protection under the law because everyone with Hepatitis C must meet the same qualifiers.</p>
Prepared By	P. Farnum, H.S.A.

MEMORANDUM

Exhibit



Northeast New Mexico Detention Facility
185 Dr. Michael Jenkins Road
Clayton, New Mexico 88415

www.geogroup.com

Date: May 25, 2017

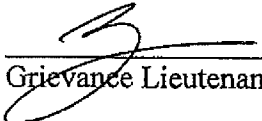
To: Nick Gonzales #48218
cc: File

From: J. Beatty Grievance Lieutenant

RE: GRIEVANCE INVESTIGATION AND RECOMMENDATION LOG 17-05-12

On May 15, 2017 Grievance was received from Nick Gonzales #48218. This grievance is filed concerning your medical treatment. You state you are being denied medical treatment for your condition. You are not being denied medical attention as you are treated at Chronic Clinic. You are classified as a Priority 4 as specified in the plans prescribed for treatment and classification. All inmates follow the same qualifiers and classification.

RECOMMEND GRIEVANCE BE RESOLVED.

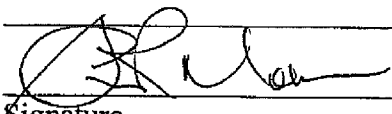


Grievance Lieutenant's Signature

May 25, 2017
Date

STEP 4 – Decision Of Warden/Designee:

Denied () Granted () Dismissed () Resolved ☒ Referred ()



Signature
Date Returned To Inmate: 5/31/17

5-30-17
Date

V. PRAYER

WHEREFORE it is demanded the Court issue judgment against the defendant(s) as follows:

~~Plaintiff~~
All Court costs paid by defendants, but because
of their conduct this action would not have
been brought.
And
100,000 dollars in compensatory and punitive damages.

10-17-2017.
Date

Respectfully Submitted,

Signature

Rick Gonzalez
PO Box 1059 Santa Fe
NM 87504

[THIS NEXT SECTION MUST BE COMPLETED BEFORE A NOTARY PUBLIC]

I, the Affiant, first being duly sworn have read the foregoing pleading and declare that the information contained therein is true and correct to the best of my knowledge.

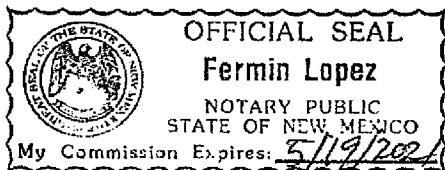
/s/

Rick Gonzalez

STATE OF NEW MEXICO

COUNTY OF Santa Fe

SUBSCRIBED AND SWORN to before me this 17 day of October, 2017.



Fermin Lopez
NOTARY PUBLIC

My Commission Expires: 5/19/2021